

CHARLES LAW, P.C.
Attorneys at Law

Fred V. Charles, Esq.

Member of the New York Bar

May 1, 2025

VIA ECF
Hon. Eric N. Vitaliano
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Bishop v. IATSE Local 52 et al., 1:24-cv-6148-ENV-LKE
Plaintiffs' Withdrawal of Remaining Federal Claim

Dear Judge Vitaliano:

We represent plaintiff Ronald Bishop ("Bishop" or "Plaintiff") in the above-referenced action. We write in reference to Plaintiff's Amended Complaint ("AC"), filed on April 30, 2025. (ECF No. 53). Plaintiff has withdrawn his sole remaining federal claim from the AC, which was the claim for breach of contract under the Labor Management Relations Act ("LMRA"), 29 U.S.C. §185(a). Plaintiff's remaining claims against the defendants for disparate impact employment discrimination fall under the New York State Human Rights Law ("NYSHRL") and the New York City Human Rights Law ("NYCHRL"). Therefore, Plaintiff respectfully requests that the Court dismiss the withdrawn LMRA claim without prejudice. Further, Plaintiff respectfully requests that the Court dismiss this action, without prejudice, for lack of subject matter jurisdiction. See *Doe v. Grindr, LLC*, No. 21-cv-4589 (AMD)(PK), 2022 U.S. Dist. LEXIS 139695, at *5, 2022 WL 3139101 (E.D.N.Y. Aug. 5, 2022).

Plaintiff has been diligent in seeking this dismissal, without prejudice, within all relevant deadlines, there are no separate legal actions currently pending between the parties, and no discovery, or even discovery scheduling, has occurred. Plaintiff seeks this dismissal, without prejudice, because of the motions to dismiss filed by the defendants in this action. This Court lacks subject matter jurisdiction after withdrawal of the LMRA claim. *Zagano v. Fordham Univ.*, 900 F.2d 12 (2d Cir. 1990). Further, Defendants will suffer no plain legal prejudice. *Camilli v. Grimes*, 436 F.3d 120, 123 (2d Cir. 2006).

Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "F Charles", with a stylized flourish at the end.

Fred V. Charles, Esq.
244 Fifth Ave., Suite #2717
New York, New York 10001-7604
Phone: (646) 494-2662
Fax: (800) 757-9630
Email: fcharles@charleslawpc.com

cc: All counsel of record (via ECF)